

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3288 OF 2025
IN
FIRST APPEAL (St.) NO. 28889 OF 2019

M/s. Universal Builders

...Applicant/Appellant.

Versus

Bai Khatijabai Mohammedbhai Bagasrawalla
and Others

...Respondents.

Mr. Darshit K. Jain i/b Ms. Divya Jain for the Applicant-Appellant.

Coram : Sharmila U. Deshmukh, J.

Date : 12th March, 2025.

P. C. :

1. Interim Application has been preferred seeking permission to effect service upon Respondent Nos. 1 to 4, 5a, 5b, 7a, 7b, 8 to 10 by substituted service by publication in two local newspapers in Baroda, Pune and in Mumbai considering that parties reside at different cities.
2. Learned counsel for Applicant has produced a chart as regards the service, which has been sought to be effected upon Respondents. The chart is taken on record. Consideration of said chart would indicate that the service of private notice/Court notice to the Respondents upon whom the substituted service is sought to be effected have been returned 'unserved' as envelopes sent of the private service as well as

the Bailiff's report indicate either the person has 'left' or the addressee is 'unknown' or 'insufficient address'.

3. Learned counsel appearing for Applicant submits that address of the unserved Respondents is same as is occurring in the cause-title of the suit and that they are not aware of any other address.

4. Considering the Bailiff's report as well as the report of the private service, the Respondents have to be served by substituted service under Order V, Rule 20 of Code of Civil Procedure, 1908 returnable on **9th April, 2025**.

5. In light of the above, Interim Application is allowed in terms of prayer clause (a).

[Sharmila U. Deshmukh, J.]